

**“Plot H1 Elephant Park” Land bounded by Walworth Road, Elephant Road, Deacon
Street & Sayer Street North, London, SE17**

**PROOF OF EVIDENCE BY JERRY FLYNN
ON BEHALF OF COMMUNITY OBJECTORS OF H1
RULE 6 PARTY**

INTRODUCTION

HOUSING NEED

PROVISION OF OFFICE SPACE

AFFORDABLE WORKSPACE/ RETAIL SPACE/ HEALTH HUB

IMPACT OF DEVELOPMENT

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INTRODUCTION:

1. I am a former resident of the Heygate Estate, a current Southwark resident and founding member of the 35% Campaign, set up in 2012 to campaign for new housing developments to have 35% affordable housing. I have played a leading role in setting up the Community Objectors of H1 (“COH1”), a collection of community interest groups and individuals who oppose the proposals being considered at this Inquiry. I am a retired lecturer and teacher. I attended Goldsmiths’ College and Chelsea School of Art and then taught in adult education and primary and infant schools. I am appearing at this public inquiry on behalf of COH1, of which the 35% Campaign forms part. Through both my lived experience and campaign work I have developed knowledge of the regeneration of Elephant & Castle and its impacts on the local community.
2. COH1 is an informal collection of the various objectors to the planning application for the redevelopment of ‘Plot H1’ of the Elephant Park site. It includes individuals who live on or near Elephant Park (including those who once lived on the Heygate Estate), and other local interest groups including the Walworth Society. We operate through consensus decision-making, meaning there is no “leader” of the group. As such, while I represent COH1 at the Inquiry, my evidence is my own.
3. I do not have a professional background or formal qualification in planning. However, I believe my particular experience and knowledge of the regeneration of the Elephant and Castle make me suited to give useful evidence on the main issues identified by the Inspector at this inquiry. While I do not purport to give “expert evidence”, I have carefully ensured that the evidence I am giving is true, accurate, concise, and complete and represents my honest and objective opinion.

My background

4. I briefly set out here my background to explain why I believe my particular experience and knowledge of the area is of assistance to the inquiry.
5. I spent my early adult years living with my family on the Heygate Estate as secure council tenants from 1974, when the estate was built. I moved to my own council flat in 1981, though the Heygate remained my family home. We moved onto the Heygate Estate from

privately rented accommodation, along with many other families from around the Manor Place, on the Walworth Road. This private accommodation was poor and later demolished to make way for the Pasley estate. We were a family of six in a two-bed flat without a kitchen, bathroom, hot-water or central heating. Our new home on the Heygate (69 Cuddington) was a four-bed maisonette with all amenities and a secure council tenancy, so a great improvement over our previous living conditions.

6. I became involved in the housing campaign around the Heygate because my family lived there. The possibility of demolition, as part of the wider regeneration of the Elephant and Castle was first raised with estate residents in 1999 and naturally gave rise to many concerns. The first set of proposals (phased demolition and rehousing on the footprint of the estate) failed in 2002, when relations between the Council and developer Southwark Land Regeneration broke down. The second set of proposals (demolition after decanting residents to early housing sites) had also not been achieved by 2007, when the Heygate Action Plan was put into force (to decant the residents before the early housing sites were built, with a 'right of return'). During this time residents and other local people were meeting to share concerns about the various impacts of the Elephant and Castle regeneration and out of this the Elephant Amenity Network was established in March 2009. This met monthly and anyone who agreed with its three principals (open masterplanning, 50% affordable housing, benefits of the regeneration for all) could take part in our activities.
7. This led to the 35% Campaign, which from May 2012 campaigned specifically for 35% affordable housing through the Elephant and Castle regeneration. The first focus of the campaign was the Heygate redevelopment by Lendlease (now Elephant Park), which failed to meet the Council's policy minimum requirement of 35% affordable housing, 50% of which should be social rent¹. We contested Lendlease's claim, endorsed by Southwark Council, that 25% affordable housing was all that was financially viable. As well as making a detailed planning objection² to the Outline Planning application we publicised its shortcomings through our blog, which over time generated significant media coverage, including articles in the Guardian, Financial Times, Evening Standard and items on the BBC London News. We lobbied local councillors and our local MP, who, while supporting

¹ CD 12.2- Policy 4.4 of Southwark Plan 2007

² CD10.18 -Elephant Amenity Network: Objection to the Planning Application Heygate Masterplan 16 July 2012

the regeneration, spoke against the application's shortage of affordable housing. The press reported that about 200 people attended the planning committee meeting.

8. A 35% Campaign member also made a largely successful FOI request for the application's viability assessment, joining the appeal against disclosure at the First Tier Tribunal hearing in 2014. This, along with similar cases, helped establish greater transparency of viability assessments, with eventual changes in planning policy. The Campaign has also assisted Heygate leaseholders at a 2013 CPO hearing and charted the displacement of residents from the estate.
9. Since then the 35% Campaign has scrutinised the broader 'regeneration' of the area, including the Aylesbury Estate, where we participated in two CPO inquiries. The 35% Campaign was also part of the 'Up the Elephant' campaign against the proposals for the redevelopment of the Elephant & Castle Shopping Centre, which resulted in the displacement of many traders, largely from ethnic minority backgrounds. I was the claimant in the judicial review of Southwark Council's decision to grant planning permission for this redevelopment, supported by Public Interest Law Centre. I argued that the corresponding section 106 did not properly ensure the potential transfer of land to the Council for delivery of social rented housing in the "west block". Also, that "social rent equivalent" units were not the social rent units Southwark's policy required, as well as being less secure in tenure. Additionally, I argued that statements around GLA funding in the committee report were misleading, and that such funding should have resulted in further affordable housing delivery. Although the case reached the Court of Appeal, my claim was ultimately unsuccessful, but the broader campaign helped secure a greater number of social rented homes, delivery of affordable retail units and a relocation funds and opportunities for displaced traders. The case itself was also an opportunity to draw attention to the plight of the traders, as well as the shortcomings of the affordable housing offer. It held the development plans up to detailed public scrutiny, which I think is positive for a functioning and democratic planning system.
10. Through this work, I have gained an intimate understanding of the relevant policies in both the London Plan 2021 and the Southwark Plan 2022, as well as previous iterations. I am also very familiar with the character and appearance of the local area and the way it is experienced by local people through my life-long connection with the area. My family

were parishioners of English Martyrs, the local Catholic church, I attended the church's infants and primary school and retained my friends in the area.

COH1

11. The written objections to the application submitted by those in COH1 covered a broad range of concerns around the H1 proposals, reflecting the diversity of community interests that the COH1 captures. The objections included the following:

- i. the loss of housing that could be secured under the OPP, or could otherwise be built on the plot;
- ii. that across the broader Elephant Park estate regeneration, the Applicant had only delivered 25% affordable housing and only 92 social rented homes, against the 35% policy required, half of which should have been social housing;
- iii. that H1 is also a brownfield site that should be optimised for housing, according to London Plan policy (also called H1);
- iv. that the Applicant offers a health hub as part of the development only at the expense of affordable workspace;
- v. that a health hub would result in the probable loss of the Princess St and Manor Place surgeries, without any public discussion of the impact on local health provision and on users of those existing facilities;
- vi. that the community space provided by the Applicant is largely taken up by amenities (library, nursery), thereby resulting in little space available for the local community to let at affordable cost, for civic, social and other events;
- vii. that the Applicant proposes a building which is unacceptable in size in its own right, and which is higher and twice the mass of the building consented under the OPP, which was designed with extensive local consultation now almost entirely absent in relation to this application;
- viii. that the proposed building will dominate views and reduce sunlight in Elephant Park and have severe negative impacts on neighbouring buildings
- ix. that the proposed building had not met the final approval of the Design Review Panel, which said of the original design that it had an *'overly bulky character and deep plan of design'*, a characterisation members of COH1 agree with; that the Applicant has not fully fulfilled its obligations under the OPP to help relocate traders

displaced from the demolished shopping centre, by providing affordable retail space³; and

- x. that the proposal is not compliant with the energy policy requirement to reduce CO2 by 40%, achieving only 38%, and that payments in lieu (which are proposed) should only be a last resort.

This broad range of groups and individuals provides a good representation of the diverse Elephant & Castle community. The consensus of the group is that the proposals for H1 do not meet the needs of the local community. The group believes that the needs of the local community (in the wake of the demolition of the Heygate) would only be met with a residential scheme, including truly affordable housing.

12. The members of COH1 have limited resources and we took the decision to pursue our case at this public inquiry only after careful consideration. However, we firmly believe that the application is of such importance that it justifies our participation— in the context of both the local area’s rapid redevelopment, the under-delivery of affordable housing and the national housing crisis emergency. Accordingly, we have applied for, and been granted, Rule 6 status so that we can put our case in full to the Inquiry.

History of the Site and Original Permission

13. I briefly set out here a short history of the Site and the Heygate Estate. The purpose of this is to explain how the proposals remain firmly part and parcel of the demolition of the former Heygate Estate and its “regeneration”, and to explain the ways in which the local community have been let down by that regeneration.
14. The Heygate estate was a council housing estate at the centre of the Elephant & Castle, built in the early 1970s. It was a Jespersen system-built development of 1,212 dwellings⁴. 192 of the properties were bought after the introduction of Right to Buy through the Housing Act 1980, but the remaining homes were secure council properties. The history of the regeneration of this land is a long one. In 1997 Southwark Council adopted a Regeneration Strategy, which recommended the ‘use of Council assets to lever in

³ Appendix 1

⁴ CD5.37b - Southwark: Regeneration: Part 4 Background to the Elephant Park development site (Online)

investment'. In 1998 the Council secured £25m from the new Labour government's Single Regeneration Budget 'to support a programme to transform....the [Elephant & Castle] area⁵' and began to consider the future of the Heygate, in this light (and as part of a wider Southwark Estate's Initiative to begin with).

15. By 1999, Southwark Land Regeneration ('SLR') had been adopted as the preferred development partner for Elephant's regeneration. Their proposed masterplan entailed the demolition of the estate, with a 100% replacement of council housing⁶, and council tenants to be rehoused as such or as social housing tenants in new homes. There was a guarantee of 'a fair and reasonable offer, assistance with housing and a chance to buy into new homes in the local area'⁷ for homeowners. Further to this, in 2001, Southwark stopped letting out secure tenancies on the estate. This masterplan was abandoned when the relationship between Southwark and SLR collapsed in April 2002. A 'fresh start' to the Elephant's regeneration was promised by the new Liberal Democrat administration in May 2002. This resulted in the Elephant and Castle Framework Supplementary Planning Guidance ('SPG') adopted in Feb 2004⁸, when the Elephant was also adopted as an Opportunity Areas by the Mayor⁹, with targets of delivering 4,000 homes and 5,000 jobs by 2026. A new development partner would be selected to deliver the regeneration according to this Framework.
16. This SPG was followed by the publication in April 2005 of the 'New Homes for Heygate' comprehensive rehousing information pack for Heygate residents¹⁰. The main proposal was now that council tenants would be rehoused in 15 'early housing sites', Leaseholders would receive 'market value' compensation for their homes or have the option of intermediate or council housing (if eligible). The early housing sites would be provided by housing associations, on land provided by Southwark, not by the new development partner.
17. In July 2007 the Lendlease consortium won the bid to become the council's development partner. A month prior to this, in June 2007, Southwark adopted the Heygate Action Plan¹¹, which began the decant of Heygate residents, even though none of the 15 'early housing

⁵ CD5.37b - Southwark: Regeneration: Part 4 Background to the Elephant Park development site (Online)

⁶ CD10.19 SLR, A Presentation to Heygate Resident's Association, 13 July 2000 (Page 3, Bullet pt 1)

⁷ CD10.19 SLR, A Presentation to Heygate Resident's Association, (Page 5, part 3: House Guarantees)

⁸ CD12.5 Elephant and Castle Framework Supplementary Planning Guidance

⁹ CD12.4 London Plan 2004 Policy 5B.4, Table B1

¹⁰ Appendix 2

¹¹ Appendix 3

sites' had been built (the first five receive planning permission in December 2008)¹². Lettings on secure tenancies stopped in 2001 and the remaining 650 secure tenants would now be decanted either permanently into existing council stock, or temporarily, with a 'right to return' to the new replacement homes once they had been built. The by-now number of 120 leaseholders' situation remained the same. The temporary tenants who occupied the majority of the 442 void homes, vacated since 2001¹³ would be rehoused to alternative temporary accommodation, or permanently rehoused, if eligible for council housing.

18. In July 2010 the new Labour council administration approved the Elephant & Castle Regeneration Agreement with Lendlease, which, amongst other things, disposed of the Heygate land on a 999 year-lease and secured a 25% 'minimum' level of affordable housing which was 10% below that required by the local plan¹⁴.
19. In February 2010 the Council sought compulsory purchase of the estate's remaining leaseholds¹⁵ and in April 2012 Lendlease submitted an outline planning application (12/AP/1092) covering the majority of the estate footprint (north of Heygate St), for a maximum of 2,469 units and to be later known as Elephant Park. A detailed application (12/AP/2797) followed in August 2012, for the remainder of the footprint (along Rodney Rd) for 235 units, to be later known as Trafalgar Place.
20. The outline application committed to providing only as much affordable housing as was financially viable, but after a concerted community campaign, including the 35% Campaign, the application was revised to include at least 25% affordable housing (50:50 rented: shared-ownership). However, instead of being social rented, the application proposed the new higher rent tenure of 'affordable rent' for 1/2 bed homes¹⁶. The Outline application proposed 71 social rent units, 194 affordable rent and 268 shared ownership¹⁷ and the Phase One application proposed 8 social rent units, 18 affordable rent and 26 shared ownership units.¹⁸

¹² Appendix 4

¹³ Void homes were the result of the decant of secure tenancy residents, with no reletting of the properties on secure tenancies. These homes were instead used by Southwark to house tenants on Temporary contracts.

¹⁴ Appendix 5 (Para 4)

¹⁵ CD5.37c - Heygate Estate: Compulsory Purchase Orders (report) 9 February 2010

¹⁶ CD5.37d The Heygate Masterplan Housing Statement Addendum, Sept 2012, para 8.5

¹⁷ CD10.9 12/AP/1092 Heygate Outline planning application, Officer's Report, para 159

¹⁸ Appendix 6, para 95-99

21. The outline application was referred to the former Mayor of London, as it met the criteria set out in the Mayor of London Order (2008). At both Stage I and Stage II of this process, the then Mayor of London recommended that Southwark Council determine the case itself.
22. Nearly 300 objections were made to these two applications. The outline application, along with a separate full application to demolish (12/AP/3203) were heard by the planning committee on 15 Jan 2013 at Tooley St.
23. There was extensive pre-planning community consultation¹⁹ for the applications, over a 10-month period, June 2011 – Mar 2012. This included 30 public consultation events that reached over 1,000 people. It involved eleven local tenants and resident's associations and ten community groups (including the Elephant Amenity Network ('**EAN**') and Walworth Society). A consultation hub was opened in a vacant shop unit on the Walworth Rd and a large Community Forum met seven times. Three resident liaison groups met 12 times. Community groups also produce six studies and reports (EAN produced two on interim use and the urban forest). However, the critical topic of affordable housing received relatively little attention, with only one workshop on 31 Jan 2012²⁰. I note all this because it appears that the product of this consultation exercise has effectively been ignored in the appeal proposals. As I explain further below, it is remarkable that nothing like this level of consultation has taken place in respect of the significant departure from the masterplanning.
24. Both planning applications were approved on the recommendation of planning officers, with the decisions issued in March 2013.

Intentions of the original Outline Planning Permission

25. The original Outline Planning Permission (OPP) stated that the principal land uses of Plot H1 would be residential, with retail use at lower levels and with only a "potential" for (B1) business use.²¹ The present standalone application for H1 is for a building that is

¹⁹ CD10.16 -Statement of Community Involvement Part 1

²⁰ CD10.17 -Appendix 8 of Statement of Community Involvement (Mar 2012), 5.4) Housing pig 174 (77 online)

²¹ CD2.2 / Para 136

predominantly business use, in the form of offices, with no residential use whatsoever²². In physical terms the office building exceeds the OPP's footprint parameters and exceeds the OPP's massing parameters²³. The visual comparison in the Officer Report to the planning committee strikingly illustrates the inflated envelope of the proposed building, compared to the OPP parameters, particularly when seen against the minimum parameters²⁴.

Elephant & Castle Redevelopment

26. The Heygate Estate and the Elephant & Castle Shopping Centre lay alongside each other, either side of the railway line, at the heart of the Elephant and Castle Opportunity Area. It is the redevelopment of these sites which has had the greatest impact on the people who lived and worked at the Elephant when the regeneration began. The success of the regeneration as a whole for the local community was very much dependent on the successful regeneration of these sites. However, residents were displaced from their homes and traders were displaced from their businesses. Traders suffered doubly, first from a loss of trade when the Heygate was decanted and demolished and then from the cost of re-establishing their own businesses or losing it altogether. As evidenced by Latin Elephant, a local charity and advocate for migrant and ethnic groups, six out of 38 businesses relocated to three sites closed in the three years following demolition, with a further 30 of those who are still in business, reporting a "severe and sustained drop in custom and earnings, making their future in the area uncertain" due to a lack of reprovision of sites²⁵.

27. As detailed in paragraph 23, members of COH1, including the Walworth Society, played an active role in the ten-month preplanning consultation before the outline planning application was submitted in February 2013. A key ambition of the regeneration²⁶ was to reconnect the Elephant and Castle and the Walworth Road, which were thought to be disconnected by the Heygate estate and the absence of shops, between the Walworth Town Hall and the Shopping Centre. It was seen as a virtue of the OPP that it would help achieve

²² CD 2.2 / Para 23

²³ CD 2.2 / Para 139

²⁴ CD 2.2 / Para 139 -141

²⁵ Appendix 1

²⁶ Appendix 7

this by having ground level retail units. That cohesion will be lost should an office block be built, and particularly built on H1 which is one of the key areas which connects these sites.

28. The consultation for the new proposal of an office block on H1 was markedly weaker to that for the OPP. Much of the H1 consultation had necessarily to be conducted online, because of Covid restrictions, but nevertheless, whilst over 1,000 people were engaged through 30 events in the OPP consultation, less than forty were physically engaged in the H1 consultation (thirty attended a pop-up event on Elephant Park with seven face-to-face appointments). In addition, only six local stakeholder groups were engaged²⁷. The Walworth Society is noted as having raised concerns about the height and massing of H1 at its January 2021 meeting with the Applicant, but these were not heeded as evidenced by the Society's objection²⁸.

I exhibit copies of two letters from separate leaseholders²⁹ who live on the 10th and 13th floor of Hurlock Heights, immediately to the south of H1, on Plot H2³⁰. I understand that at no point during the sale of these properties did Lendlease mention plans to build substantial commercial premises. As they have described and evidenced in the Lendlease brochure they were provided around their time of purchase³¹, they bought their homes on this neighbouring site with the clear understanding that H1 would have a similar residential use. They are now dismayed that if this Appeal is allowed, this will not now be the case and they will have been misled.

29. From a layperson's perspective, the regeneration was going to be twice the size of the Heygate, and now it is three times the size. Even when considering what has been built in the other plots, it does not seem plausible that the building intended for H1 will remain in character with the area.

²⁷ CD 1.11-Elephant Park Residents, The Walworth Soc, Southwark Cyclists, Southwark Living Streets, London College of Communication, London South Bank University.

²⁸CD10.20- Walworth Society Objection to planning application 21/AP/1819.

²⁹ Appendix 7a and 7b

³⁰ Appendix 7c

³¹ Appendix 7d

HOUSING NEED

30. The original Outline Planning Permission (OPP) will only deliver 25% affordable housing, half of which will be rented: social rented for 3-bed units and Affordable Rent (capped at 50% of market rent) for 1 and 2 bed units. This is 10% short of the policy requirement for a major residential development in the Elephant and Castle Opportunity Area³².
31. This is in stark contrast to the 1,212 dwellings on the Heygate Estate of which 1,020³³ were still social rented units at the time of the decant in 2007. The OPP does not come close to re-providing these social rented units from the Heygate. The social rented units provided under the amended OPP³⁴ is a low 92³⁵ (461 habitable rooms or 5.66% of habitable rooms across the entire site)³⁶. Taken with the eight units on Trafalgar Place (which together match the Heygate footprint) only 100 social rented units have been re-provided on former Heygate land, making for an onsite loss of 920 units. Should this Appeal be upheld any chance of mitigating this loss, will also be lost. Even if the anticipated 167 affordable rent units³⁷ that have also been delivered were included in this calculation, it would still leave a loss of hundreds of affordable and social rent units.
32. I think it is important to highlight the loss of social rented units in particular because of the large number of house-holds in Southwark for whom social rent is the best chance of secure affordable housing; there are over **14,000 households**³⁸ on the Housing Register in Southwark.
33. Using Plot H1 for a residential development, as under the OPP, would go towards meeting Southwark's increased London Plan housing target of 2,355³⁹ new homes per annum. The borough has failed to reach lower targets for three consecutive years (2015/16, 2016/17,

³² CD 12.1 / Core Strategy 5.60 2011; CD12.2 Saved Southwark Plan 4.4 2007

³³ Figure of 1,020 derived from 1,212 original Council homes minus 192 Right to Buy homes. Figures from CD5.37b. This figure for the number of social rent units is lower than the combined figure for social rent and voids at para 14, which indicates that 72 of the voids in June 2007 were vacated leasehold properties.

³⁴ Amended 07 Nov 2018, NMA 18/AP/3225

³⁵ CD10.21 Reserved Matters Affordable Housing Strategy MP5 H7 Table 7.

³⁶ CD1.66 Reconciliation and Comparison Statement Dec 2021 Part 2 Table 11.2. My calculation of social rent percentage.

³⁷ RM Affordable Housing Strategy MP5 H7 Table 7, which shows 167 1&2 bed affordable units delivered. All 1 & 2 bed affordable units are affordable rent. See CD 10.21 And CD10.9 (para 148).

³⁸ Appendix 8

³⁹ CD3.1 The London Plan 2022

2017/18) and has been required by government to produce a Housing Delivery Test Action Plan⁴⁰, requiring a 20% buffer in the NSP's land supply. H1 should be considered as a 'windfall site', for which there is a housing allowance under the Southwark Plan 2022⁴¹.

34. The OPP included "capacity for between 2,300 (min) and 2,469 (max) residential units. This was amended by way of a non-material amendment⁴² to capacity for between 160,579sqm GEA (min) and 254,400sqm (max) residential floorspace. Pursuant to this amended permission, 220 more units were permitted than the previous maximum, giving a total of 2,689 units. Lendlease have built out this number across 11 of 12 plots⁴³, the permissions issued chronologically from Feb 2014 in this order – H6, H10, H13 (360 units), H12 (Energy Hub, 0 units), H2, H3 (595 units), H4 (445 units), H5 (384 units), H11a, H11b (481 units), H7 (424 units). In terms of floorspace 252,414sqm has been built, leaving only a residual 1,986 sqm for the final plot, H1, making it effectively a 'spare' plot which requires a standalone application⁴⁴.
35. This Application is made as a standalone application, distinct from the OPP. Yet, this remains an application for redevelopment on the site of a former council estate – brownfield land upon which now-demolished homes once stood.

The following policies therefore apply:

- Policy H1B(2) of London Plan 2021 which requires boroughs to: "*optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity: (a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary....*" Plot H1 is a brownfield site with a PTAL rating of 6b and there is a need to optimise housing delivery.
- Policy H8(E) of the London Plan 2021 requires such development proposals to "*follow the Viability Tested Route and should seek to provide an uplift in affordable housing in addition to*

⁴⁰ CD5.37e, Housing Delivery Action Plan (paras 1.2 and 1.10)

⁴¹ CD 3.2 Annex 2, Housing Trajectory, April 2020 - March 2035 Summary

⁴² Planning ref: 18/AP/3225

⁴³ CD1.66 Reconciliation and Comparison Statement Dec 2021, Fig 7.1.1

⁴⁴ CD1.66 Reconciliation and Comparison Statement Dec 2021, Table 8.1.1

the replacement affordable housing floorspace". Furthermore, as per paragraph 4.4.7 of the London Plan, *"the Mayor expects that residential proposals on public land should deliver at least 50 per cent affordable housing on each site"*.

- Para 4.8.5 of the London Plan, *"Estate regeneration that involves the loss and replacement of affordable housing should deliver an uplift in affordable housing wherever possible"*.
- Para 4.8.6 of the London Plan, *"The Mayor will closely scrutinise proposals and will only agree to them where he is certain that the housing is being genuinely re-provided and that no better option is available."*
- Para 4.8. of the London Plan, *"Regardless of whether an estate regeneration project includes the demolition and replacement of affordable homes, it is important that all such schemes are delivered with existing and new residents and communities in mind."*

36. Para 4.8.2 further notes that the approach for estate regeneration will depend on *"the existing characteristics and quality of an estate; the financial resources available; any regeneration or redevelopment plans that affect the wider area; and the wishes of residents and other stakeholders."* . The Application does not seem to have new residents, communities and other stakeholders (or their wishes) in mind. As detailed above, a clear objection to office development and support for housing has been articulated by COH1 and the broader community. When new residents of Elephant Park bought their homes, they were advised that H1 would be residential space, and one much smaller than the Application proposals. The community feel in any event, the policy and guidance set out above makes clear that optimised housing delivery and an uplift of affordable housing is expected on estate regeneration schemes, regardless of whether the previous demolition is considered inherent to this proposals they have been largely ignored, both in terms of the principle of the Application and the lack of substantive amendment following their objections. Therefore, the Application seems inconsistent with paras 4.8 and 4.8.2 of the London Plan.

37. I additionally refer to the Mayor's Good Practice Guide to Estate Regeneration, which states:

"The overarching objectives for any estate regeneration scheme will usually be to:

- Deliver safe and better quality homes for local people;

- Increase the overall supply of new and affordable homes; and
- Improve the quality of the local environment through a better public realm and provision of social infrastructure (e.g. schools, parks, or community centres)."⁴⁵

38. It also notes:

"Residents should be closely involved in shaping the priorities for estate regeneration and options for achieving these priorities."⁴⁶

"Where an estate is being redeveloped as part of a wider programme then it may be possible to re-provide a different mix of affordable housing on that particular estate (taking account of the wishes of people who want to return to or remain on the estate) if like-for-like replacement is achieved across the overall programme. Where this is proposed, the Mayor will closely scrutinise planning applications and will only agree to them where he is certain that the housing is being genuinely re-provided and that no better option is available."⁴⁷

"Councils and housing associations should look to increase the number of affordable homes as part of an estate regeneration scheme by building at higher densities wherever possible."⁴⁸

"The Mayor also expects that these schemes should maximise the delivery of additional affordable homes wherever possible"⁴⁹

39. I believe in his Stage 1 and 2 considerations of the application proposals, the Mayor failed to appreciate the context of the Application as an estate regeneration. He says in the GLA Stage 1 report that 'the scheme does not result in the demolition of any housing' and 'no demolition of existing homes.' Nonetheless the buildings that were on this site were part of the Heygate estate and they were demolished according to a planning permission for demolition (12/AP/3203), approved alongside the OPP (12/AP/1092), for the redevelopment of the Heygate, on 15 Jan 2013. Although the original intentions for the Site under the OPP are no longer being built out, the demolition was carried out. The present application must be seen as part and parcel of that accumulative development. The demolition took place between 2011 and 2014. H1 sits on the site of the bottom half of

⁴⁵ CD5.26a - Page 7 Mayor's Good Practice Guide to Estate Regeneration

⁴⁶ CD5.26a Page 13 Mayor's Good Practice Guide to Estate Regeneration

⁴⁷ CD5.26a Page 15 Mayor's Good Practice Guide to Estate Regeneration

⁴⁸ CD5.26a Page 16 Mayor's Good Practice Guide to Estate Regeneration

⁴⁹ CD5.26a Page 22 Mayor's Good Practice Guide to Estate Regeneration

the Claydon block, as can be seen by a comparison of plans of the Heygate and Elephant Park which I exhibit⁵⁰. All the relevant estate regeneration and brownfield policies should therefore apply. While the Mayor refers to the Better Homes for Local People: the Mayor's Good Practice Guide to Estate Regeneration, it is not listed as a material consideration in either his Stage 1 or Stage 2 reports. In any event, the policy and guidance set out above makes clear that optimised housing delivery and an uplift of affordable housing is expected on estate regeneration schemes, regardless of whether the previous demolition is considered inherent to this proposal.

40. The Mayor also states that the housing, and affordable housing obligations of the Heygate Estate regeneration masterplan have been achieved in the Stage 1 report⁵¹. However, these obligations fell short of policy expectations as the scheme only delivers 25% affordable housing, and not the 35%, required by the local plan⁵². When considering the Application, the focus should be the policy target and not the compromise position negotiated under the Original Permission obligations. The one publicly available viability assessment was for the OPP and as far as we are aware there have been no further assessments for successive phases, to ensure that the maximum affordable housing could be delivered.
41. The OPP is not consistent with policy H8(D) of the London Plan 2021. That is to replace the demolished social rent housing, which should facilitate a right of return:

“Affordable housing that is replacing social rent housing must be provided as social rent housing where it is facilitating a right of return for existing tenants. Where affordable housing that is replacing social rent housing is not facilitating a right of return, it may be provided as either social rent or London Affordable Rent housing.”

Proposed plans for H1 also fail to meet this policy, as the right of return was extended to encompass the entirety of the site on which the Heygate once stood⁵³, H1 included.

⁵⁰ Appendix 8a

⁵¹ CD10.5 Mayor Stage 1 report, Strategic issues; para 49.

⁵² CD 12.1 Core Strategy 5.60 2011; CD12.2 Saved Southwark Plan 4.4 2007

⁵³ CD5.37a Report to cabinet: Extending the Heygate tenants Right to Return Policy -5 August 2015

42. As of August 2015, there were 110 secure tenants still eligible to exercise the right of return.⁵⁴ Forty-five households had exercised the right, but this number had only increased to 48 by May 2020.⁵⁵

PROVISION OF OFFICE SPACE

43. As lay people and residents of the Elephant & Castle, both new and long-term, the COH1 objectors cannot see that it makes sense for a new and very large office block to be built in the midst of a borough which desperately needs housing. This is particularly mystifying given that since the pandemic, more and more office workers are working from home or operating a hybrid working model. We consider that the provision of office space should not be given significant weight at the inquiry.
44. Our misgivings are supported by reports such as the Savills report that attendance in London offices is among the lowest in Europe⁵⁶.
45. We acknowledge that the site is in the Central Activities Zone ('**CAZ**'). However, this was the case at the time of the Original Application and the amount of office floorspace is ten times the maximum amount of business floorspace allowed by the OPP for the whole site, increasing it from 5,000 sqm to 56,849 sqm⁵⁷. We question why there is a need for this increase now, particularly given how the pandemic has changed the way office space is used and whilst the demand for housing has increased.
46. According to the Southwark Plan, the Elephant & Castle opportunity area will deliver around 135,000 sqm (gross) of employment workspaces⁵⁸. The net figure is 84,658 net sqm of which 60,000 net sqm will be on the Elephant Park, with most of this on Plot H1⁵⁹.
47. We note the Mayor's support for office development⁶⁰, by virtue of the Elephant and Castle being within the CAZ along with other areas designed to promote office space and

⁵⁴ CD5.37a Report to cabinet: Extending the Heygate tenants Right to Return Policy -5 August 2015

⁵⁵ Appendix 9

⁵⁶ Appendix 10

⁵⁷ CD1.66 Reconciliation and Comparison Statement Dec 2021, Table 11.3

⁵⁸ CD3.2 See Table on page 24, Site Allocations Methodology Report Update 2021

⁵⁹ CD3.2 See Table on page 24, Site Allocations Methodology Report Update 2021

⁶⁰ CD 10.5 (para 27-35)

employment, but we do not think that he gives enough weight to his proviso that the ‘current context of the COVID-19 pandemic’ may see ‘increased homeworking’ and ‘may generate a shift in the future in the way people work in London and use office space’. Once again, he fails to appreciate this land in an estate regeneration context.

AFFORDABLE WORKSPACE/ RETAIL SPACE/ HEALTH HUB

48. As I have set out above, the loss of affordable workspaces in Elephant & Castle has been a significant feature of the wider regeneration. COH1 support the provision of better healthcare facilities in the area, but we do not think that these should be provided at the expense of other public benefits, such as affordable housing, affordable workspace and affordable retail. In addition we are concerned that the Appellant’s proposed health hub, while undoubtedly a benefit, should not distract from these lost benefits.
49. I understand that the health hub is proposed to replace existing GP facilities at Princess Street and Manor Place. I exhibit a copy of the Memorandum of Understanding between the Appellant, the Council and NHS dated 9 February 2022⁶¹. From this it is not clear whether what is proposed is truly additional health facilities or whether it is simply replacement.
50. The Appellant offers the health hub as an *alternative* to 10% affordable workspace, rather than as something in addition. I do not see how affordable workspace and a health hub are equivalent and cannot see the rationale for this arrangement. The consequence of this false equivalence is the loss of affordable workspace. That will not be alleviated by the provision of a health hub. If the lease to the NHS is to be on commercial terms, then the Applicant will have made no monetary contribution to mitigating the effects of the development, however welcome in itself the hub might be.
51. We also believe that the development of H1 could assist displaced traders from the demolished shopping centre, which requires affordable retail space in the first instance. The Southwark Plan policy P31(5) says –

⁶¹ Appendix 11

“In exceptional circumstances affordable retail, affordable cultural uses, or public health services which provide a range of affordable access options for local residents, may be provided as an alternative to affordable workspace (employment uses). This will only be acceptable if there is a demonstrated need for the affordable use proposed and with a named occupier”.

We believe this criteria of demonstrable need has been met.

52. As it stands, the Application makes no provision for affordable retail space. Yet, the local context is that the wider regeneration of the Elephant and Castle (and the redevelopment of the Shopping Centre in particular) has seen local business, largely from black and minority ethnic background displaced and still seeking reallocation.

53. As per Latin Elephant exhibit, this affordable retail space is still sorely needed:

“The fact that shopping centre closure resulted in the displacement of 40 businesses, and yet affordable units were allocated to new incoming businesses, highlights a debt to the community that has not been met . A group of 15 displaced traders—some active in the shopping centre for 20 years—co-developed a proposal for a new market in Elephant and engaged with local campaigners , Southwark Council, politicians, and local residents for over a year to try and establish it, but several unforeseen planning issues impeded the process. Some traders involved in this process are still actively searching for local shop space to restart their business.”

54. While I recognise that this application is not concerned with the demolition of the shopping centre, that the broader point is that if there are traders, seeking new affordable premises, then there is need for affordable retail space which will not be met by this development notwithstanding Southwark Plan Policy P31.

55. We agree with the Mayor’s support for affordable workspace⁶² but are disappointed that he makes no reference to the specific context of the Elephant and Castle and the impact of the displacement caused by the Opportunity Area’s regeneration, particularly on people from black and ethnic minority backgrounds.

⁶² CD 10.5 (para 45 – 47)

IMPACT OF DEVELOPMENT

56. The new park in Elephant Park is enjoyed by many people. The water park, Elephant Springs and the natural play areas are particularly popular with children. The park is generally considered to be a welcome local benefit of the regeneration and it would be a great shame if the building on the final plot of Elephant Park, as H1 is, were to spoil this and undermine its value as new open green space in the middle of a dense residential development.
57. The office block would also be a dominating physical feature in Elephant Park. I am not a design or architecture expert, but nonetheless I exhibit four of my own photos of Elephant Park.⁶³ They show the H1 space from four viewpoints, a space that will be largely occupied by the proposed office block. I believe they help demonstrate the overbearing impact that the proposed office block will have. I support Southwark Council's position at this inquiry as to reason for refusal 1 and consider that the impact of the proposals on the local character will be harmful.
58. As I have laid out above, the success of the Elephant & Castle regeneration depends to a great extent on the success of the Opportunity Area's key development sites, Elephant Park and the Town Centre development of the shopping centre. I have also related how many local people have been displaced to allow these developments. The original plans for H1 were at least part of a cohesive masterplan, for what would replace the Heygate's lost homes. This standalone application undermines that cohesion and in doing so undermines the wider regeneration.

CONCLUSION

59. Plot H1 is a standalone application, but it concerns the same land as Plot H1 in the OPP masterplan. Therefore I believe it must be considered as part of the broader Heygate estate regeneration, and in relation to estate regeneration policy. As such, it must abide by the provisions of that policy including ensuring re-provision of housing and facilitating a right of return. The replacement Early Housing Sites has only provided 419 social rented units, which with the 100 social rent units of Elephant Park still leaves the replacement housing

⁶³ Appendix 12

around half that of the social housing on the Heygate, at its decant in 2007.⁶⁴ The housing emergency is alive in Southwark, and thus the only reasonable use for this brownfield site is to build residential units, including affordable housing, which would hopefully mitigate the loss of hundreds of social rent units from the Heygate. To propose office space in lieu of housing seems highly unreasonable, especially as the changing landscape of the workplace reduced office space need. It certainly cannot justify any wider harms caused by the proposal to the local area.

60. Along with housing, there is clearly a need for affordable retail space. The letter from Latin Elephant relates the great difficulties that local traders have been placed in by the regeneration. It is noteworthy that these traders are from 25 different nationalities, something to be celebrated and supported. A few of those displaced may now be prospering, but many have not and some have lost their businesses at the Elephant altogether. Latin Elephant makes it clear that this is an on-going situation, that it continues to receive requests for help and they note the uncertain future faced by traders in Arch 7, Elephant Rd. This all testifies to the need for affordable retail space.
61. This is not to say we do not support a health hub – we do. But we do not see why this should be at the expense of housing and of supporting those who have been the most vital part of the local community for many years, the local traders. We are also aware that the advent of health hub would likely mean the closure of two local GP surgeries and have an impact on the delivery of primary care across the Elephant and Castle and Walworth. There has been little consideration of this in the standalone application.
62. This application undermines the concept of the outline masterplan for the Heygate site. It undermines the idea of renewing the housing and public realm and also of creating a cohesive residential area, which would link the new Town Centre, Elephant Park and the Walworth Road. Given the history and need of the borough, and the fact that H1 will complete Elephant Park, it is important to get this right and the COH1 do not believe that it does so.
63. I therefore respectfully submit to the Inspectorate that the appeal is refused.

⁶⁴ Appendix 13

